8th September 1928]

(b) whether the Government have laid down any principles for the guidance of District Magistrates in granting or refusing licence; if not, whether they will be pleased to do so?

A.—(a) District Magistrates are not bound to assign reasons for the refusal of licences. The Government have no information whether in actual practice the precise procedure indicated in the question is followed.

(b) The hon. Member's attention is invited to the Resolution of the Government of India, Home Department (Police), dated 3rd November 1923, No. 829-1-23, published at pages 1340—1343 of Part I of the *Fort St. George Gazette*, dated 27th November 1923.

Mr. A. PARASURAMA RAO:—"May I know why the District Magistrate is not bound to give reasons for his refusal of licence?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"There may be confidential reasons."

Mr. G. HARISARVOTTAMA RAO:—"At whose instance are the orders passed?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"The application is made by a private party and an enquiry is then made by the District Magistrate and he passes the order."

Mr. G. HARISARVOTTAMA RAO:—"Are the Police consulted in the matter?"

The hon. Khan Bahadur SIR MUHAMMAD USMAN SAHIB Bahadur:—"Sometimes they are consulted."

Criminal Justice

Alleged order of externment against Messrs. Giri, Joshi and others while at Negapatam.

*290 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. Ponnuswami Pillai, Deputy Magistrate, Negapatam, recently passed an order of externment against Messrs. Giri, Joshi and others when they visited Negapatam on 8th August 1928 to enquire into the grievances of the South Indian Railway employees;

(b) whether Government will be pleased to call for the information furnished to the Deputy Magistrate by the Police and lay the same on the table of this House; and

(c) whether the Police asked for an order from the Deputy Magistrate prohibiting public meetings in Negapatam and surrounding villages; and if so, on what grounds?

A.—(a) The Magistrate issued an order directing Messrs. N. S. Ramaswami Ayyangar, Giri and Joshi to leave Negapatam and not to return to that place for two months.

(b) This order was not issued at the instance of the Police.

(c) Yes; because it was considered that in the conditions which existed in the locality at that time, the holding of such meetings was likely to cause a breach of peace.

[8th September 1928

Mr. T. Adinarayana Chettiyar :—" Are the Government satisfied that there was a real likelihood of a breach of peace and, if so, what are the grounds which made them feel so satisfied? Were there any violent speeches?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" Government are fully satisfied that there was a likelihood of breach of peace. There was a large population of about 5,000 people, some of them starving and all of them discontented and excited."

Mr. T. Adinarayana Chettiyar :—" Was the starvation due to the fact that the Government did not do their duty by the people?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" No, Sir."

Rao Bahadur C. S. Ratnasabhapati Mudaliyar :—" May I know whether the District Officer consulted the Government before issuing the order referred to in clause (a)?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" No, Sir."

Rao Bahadur C. S. Ratnasabhapati Mudaliyar :—" If so, at whose instance was this order issued?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" At the instance of the Deputy Magistrate."

Rao Bahadur C. S. Ratnasabhapati Mudaliyar :—" May I know whether the Government do not consider Mr. Joshi to be a gentleman?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" He is a respectable man, Government admit."

Mr. G. Harisarvottama Rao :—" May I know what were the facts in each of the cases of Mr. Joshi, Mr. Giri and Mr. Ramaswami Ayyangar, that justified the Magistrate in issuing the order? May I know whether the Government considered those facts?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" Government did not consider any facts; because it was the Magistrate who issued the orders."

Mr. T. Adinarayana Chettiyar :—" Can the Government point out any single speech of either of Mr. Giri or of Mr. Joshi, which advocated violence?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" It is left to the Magistrate who is responsible for the maintenance of the peace."

Mr. T. Adinarayana Chettiyar :—" May I ask the hon. the Law Member, a limb of the Madras Government, to say whether he is satisfied that the Deputy Magistrate properly exercised his discretion in this matter?"

The hon. Diwan Bahadur M. Krishnan Nayar :—" Government are satisfied that he very properly exercised his discretion in this matter."

Dr. B. S. Mallayya :—" Did the Deputy Magistrate submit his reasons to Government for taking that action?"

8th September 1928]

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Government did not ask the Magistrate to submit his reasons, for the obvious reason that Government did not want to ask him."

Mr. SAMI VENKATACHALAM CHETTI :—" But by what means did they satisfy themselves that he acted properly ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" From the subsequent correspondence."

Sriman BISWANATH DAS Mahasayo :—" Will the Government place on the table of the House the letter of Mr. Joshi complaining against the way in which he was treated ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Sriman BISWANATH DAS Mahasayo :—" Why not, Sir."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because Government do not consider it is in the public interests to lay that on the table of the House."

Sriman BISWANATH DAS Mahasayo :—" Are the Government satisfied that the subdivisional magistrate treated them properly ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Quite properly, Sir."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I know if the order has been rescinded even before the expiry of two months for which time it was passed ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It was rescinded five days after it was passed."

Sriman BISWANATH DAS Mahasayo :—" If it was such a good order why was it rescinded so soon ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because the District Magistrate thought that there was no need for that order after the departure of these three persons from Negapatam, for which these orders were passed."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" Was this order rescinded by the District Magistrate independent of any suggestion or direction from Government ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It was rescinded of his own accord."

Mr. S. SATYAMURTI :—" May I know, Sir, in the correspondence that passed between the Government and the Magistrate which enabled them to satisfy themselves as to the correctness of the order, whether any reasons were stated as to why the orders were passed ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir, there were about 5,000 persons who were very discontented and excited and that was an explosive material."

Mr. S. SATYAMURTI :—" Is it the policy of Government to prohibit public meetings wherever there are 5,000 people ? "

[8th September 1928

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" If they are all excited and discontented and likely to commit breaches of peace."

Sriman BISWANATH DAS Mahasayo :—" Are Government aware that Mr. Giri has nowhere in any strike been responsible for any violence ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Government have no information, Sir."

Forests

Alleged assignment of lands near Nilgiris to the Raja of Panagal.

* 291 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state—

(a) whether Government contemplate assigning a large block of lands on or near the Nilgiris to the Raja of Panagal, M.L.C. ;

(b) whether the said Raja recently inspected the lands in the company of the Tahsildar ;

(c) what is the purpose for which the assignment or grant is proposed to be made and on what terms ; and

(d) whether a political follower of the Raja is also to get a similar assignment of land, though on a smaller scale ?

A.—(a) & (c) The Government have received an application from the Raja of Panagal for the grant of 31·77 acres of reserved forests on the Nilgiris for constructing a building for his residence and for growing an orchard and vegetable garden. The question whether the land should be disforested or not is now under consideration of the Government.

(b) The Government have no information.

(d) The Government have no such proposal under their consideration.

Mr. T. ADINARAYANA CHETTIYAR :—" May I know the date of the original application of the Raja Sahib for the assignment ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice, Sir."

Mr. A. RANGANATHA MUDALIYAR :—" May I know when the application was made ? "

Mr. T. ADINARAYANA CHETTIYAR :—" May I know on what terms was the assignment applied for and on what terms is it proposed to be given ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It is for the Revenue Department to lay down the terms if it is decided that the forests are to be disafforested."

Mr. T. ADINARAYANA CHETTIYAR :—" Are the Government aware that the people of Ootacamund including some European residents are objecting to such an assignment ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Mr. S. SATYAMURTI :—" Was it made on the 31st March this year ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I cannot say, Sir, unless there is notice."